

Brandon James Leavitt, Tx Bar No. 24078841, *pro hac vice*
LEAVITT ELDREDGE LAW FIRM
4204 SW Green Oaks Blvd., Suite 140
Arlington, TX 76107
(214) 727-2055
brandon@uslawpros.com

Jason K. Smith, 14323
MK SMITH, APC
9891 Irvine Center Dr., Ste. 200
Irvine, CA 92618
801-916-8723
jsmith@mks-law.com

ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
NORTHERN DIVISION**

**JM4 TACTICAL, LLC; and JAMES
CHADWICK MYERS**

Plaintiffs,

vs.

**HER TACTICAL, LLC; E & R LLC *dba*
HER TACTICAL; VICKY ARLENE
JOHNSTON; and BLAKE CHEAL
individually and in his capacity as settlor
and trustee of THE BLAKE AND TANYA
CHEAL FAMILY LIVING TRUST; and
GRANT LEE CAVALLI**

Defendants.

**NOTICE OF TERMINATION OF AUTOMATIC
BANKRUPTCY STAY AND
REQUEST FOR SCHEDULING ORDER**

Case No. 1:22-cv-00121-DAK-DBP

Judge Dale A. Kimball

Magistrate Judge Dustin B. Pead

Jury Demand

Plaintiffs JM4 Tactical, LLC and James Chadwick Myers (collectively, "Plaintiffs")
hereby file this Notice of Termination of Automatic Bankruptcy Stay and Request for
Scheduling Conference, and in support state as follows:

I. NOTICE OF TERMINATION OF AUTOMATIC BANKRUPTCY STAY

1. On February 16, 2024, Plaintiff JM4 Tactical, LLC filed a Chapter 11 Bankruptcy Petition in the United States Bankruptcy Court for the Northern District of Texas, thereby triggering an automatic stay of these proceedings pursuant to 11 U.S.C. § 362(a).

2. On August 14, 2024, the United States Bankruptcy Court for the Northern District of Texas entered an Order Confirming JM4 Tactical, LLC's Second Amended Chapter 11 Plan of Reorganization as Modified. A true and correct copy of the Confirmation Order is attached hereto as Exhibit B.

3. The Effective Date of JM4 Tactical, LLC's bankruptcy plan was thirty (30) days after entry of the Confirmation Order, or September 14, 2024, as defined in the Second Amended Chapter 11 Plan of Reorganization as Modified. A true and correct copy of the File-Stamped Copy of Second Amended Chapter 11 Plan of Reorganization as Modified is attached hereto as Exhibit C.

4. Pursuant to 11 U.S.C. § 362(c)(2), the automatic stay terminated on September 14, 2024, the Effective Date of the confirmed plan.

5. This Notice is being filed to formally notify the Court and all parties that the automatic bankruptcy stay has terminated and that this litigation may now proceed.

II. REQUEST FOR SCHEDULING CONFERENCE

6. Prior to the bankruptcy filing, this Court entered an Amended Scheduling Order on December 11, 2023 (ECF No. 96), extending all deadlines by nine months.

7. Due to the intervening bankruptcy stay, several deadlines in the Amended Scheduling Order have now passed without action by the parties.

8. Pursuant to correspondence between counsel on March 19-24, 2025, Defendants have expressed a willingness to meet and confer regarding an amended scheduling order after formal notice of the termination of the bankruptcy stay has been filed with the Court.

9. Given the significant time that has passed and the deadlines that have lapsed, Plaintiffs respectfully request that the Court set a Rule 16 Scheduling Conference to establish new case management deadlines or, in the alternative, enter the Proposed Amended Patent Case Scheduling Order submitted herewith as Exhibit A.

WHEREFORE, Plaintiffs respectfully request that the Court:

- A. Take notice of the termination of the automatic bankruptcy stay;
- B. Schedule a Rule 16 Conference to establish new case management deadlines; or
- C. Enter the Proposed Amended Patent Case Scheduling Order attached as Exhibit A; and
- D. D. Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted March 24, 2025

Leavitt Eldredge Law Firm

/Brandon J. Leavitt/

Brandon James Leavitt

Tx Bar No. 24078841

4204 SW Green Oaks Blvd., Suite 140

Arlington, TX 76107

(214) 727-2055

brandon@uslawpros.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

By my signature above I hereby certify that a true and correct copy of the above document has been forwarded to all counsel of record via the Court's electronic filing system.

CERTIFICATE OF CONFERENCE

By my signature above I hereby certify that I conferenced with Defendants' counsel Bud Todd regarding the above notice and motion and he declared the Defendants' intention to conference in good faith on the motion *after* the notice has been filed. Accordingly, Plaintiff treats the request for scheduling conference as opposed.